

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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DOC #:
DATE FILED: 6/15/18

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Plaintiff(s), : __ Civ. ____ (AJN)

-v-

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Defendant(s). : AMENDED CIVIL
CASE MANAGEMENT
PLAN AND
SCHEDULING ORDER

:

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This Civil Case Management Plan (the “Plan”) is submitted by the parties in accordance with Fed. R. Civ. P. 26(f)(3).

1. All parties [consent ____ / do not consent ____] to conducting all further proceedings before a United States Magistrate Judge, including motions and trial pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
[If all parties consent, the remaining paragraphs need not be completed.]
2. Settlement discussions [have ____ / have not ____] taken place.
3. The parties [have ____ / have not ____] conferred pursuant to Fed. R. Civ. P. 26(f).
4. **[For F.L.S.A. actions only]**

The plaintiff(s) [do ____ / do not ____] anticipate moving for conditional certification of this case as a collective action.

The defendant(s) [will ____ / will not ____] stipulate to conditional certification.

[If defendant(s) will not stipulate to conditional certification:]

Proposed briefing schedule:

Opening: _____

Opposition: _____

Reply: _____

[Opening brief to be filed no later than 30 days from the date of the initial pretrial conference; full briefing to be completed within 30 days of the opening brief]

5. Amended pleadings may not be filed and additional parties may not be joined except with leave of the Court. Any motion to amend or to join additional parties shall be filed within _____ days from the date of this Order. [Absent exceptional circumstances, choose a date not more than thirty (30) days following the initial pretrial conference.]
6. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than _____ days from the date of this Order. [Absent exceptional circumstances, a date not more than fourteen (14) days following the initial pretrial conference.]
7. All fact discovery is to be completed no later than _____. [A date not more than 120 days following the initial pretrial conference, unless the Court finds that the case presents unique complexities or other exceptional circumstances.]
8. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided that the parties meet the deadline for completing fact discovery set forth in ¶ 7 above.
 - a. Initial requests for production of documents shall be served by _____.
 - b. Interrogatories shall be served by _____.
 - c. Depositions shall be completed by _____.
 - d. Requests to admit shall be served by _____.
9. All expert discovery, including disclosure of expert reports, production of underlying documents, and depositions shall be completed by _____. [Absent exceptional circumstances, a date forty-five (45) days from the completion of fact discovery].
10. All motions and applications shall be governed by the Court's Individual Rules.
11. All counsel must meet in person for at least one hour to discuss settlement within fourteen (14) days following the close of fact discovery.

12. Counsel for the parties propose the following alternative dispute resolution mechanism(s) for this case:

- a. _____ Referral to a Magistrate Judge for a settlement conference.
- b. _____ Referral to the Southern District's Mediation Program.
- c. _____ Retention of a private mediator.

The parties seek the above-noted referral [now _____ / at a later date _____].

Unless otherwise ordered by the Court, settlement discussions do not stay or modify any date in this Order.

[If the parties seek the above-noted referral at a later date:]

Counsel for the parties will submit a letter by _____ seeking the referral.

13. Summary Judgment and *Daubert* motions are to be filed within 30 days of the close of all discovery. Absent good cause, the Court will not ordinarily have summary judgment practice in a non-jury case.

14. Unless otherwise ordered by the Court, within forty (40) days of the close of all discovery, or, if a dispositive motion has been filed, within fourteen (14) days of a decision on such motion, the parties file via ECF a Joint Pretrial Report prepared in accordance with the Court's Individual Practices and Fed. R. Civ. P. 26(a)(3). Any motions *in limine* shall be filed via ECF at the same time that the a Joint Pretrial Report is filed. If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall also be filed at the same time as the Joint Pretrial Report.

15. The parties shall be ready for trial within two weeks of filing the Joint Pretrial Report.

16. This case [is _____ / is not _____] to be tried to a jury.

17. Other issues to be addressed at the Initial Pretrial Conference, including those set forth in Fed. R. Civ. P. 26(f)(3), are set forth below.

Counsel for the Parties:

Except for the dates contained in ¶ 8 above, this Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend the dates herein shall be made in a written application in accordance with Court's Individual Rules and shall be made no fewer than two (2) business days prior to the expiration of the date sought to be extended. Absent exceptional circumstances, extensions will not be granted after deadlines have already passed. Ongoing settlement discussions do not extend any date herein unless expressly ordered by the Court.

The next Case Management Conference is scheduled for **July 31, 2018, at 9:30 a.m.** in Courtroom 20A. One week prior to that date, on **July 24, 2018**, the parties shall submit a joint status letter outlining the progress of discovery to date, as well as any settlement efforts. If no discovery controversies exist at that time, the parties may request that the conference be held telephonically.

SO ORDERED.

Dated: June 15, 2018
New York, New York



JUDGE BARBARA MOSES
United States Magistrate Judge